

Voted at Meeting of 5/15/80

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority adopted and filed in the Suffolk County Registry of Deeds, Book 8056, page 295, an ORDER OF TAKING dated June 30, 1966, concerning and describing the SOUTH END URBAN RENEWAL AREA, MASS. R-56, all of the findings, determination and description set forth therein being incorporated herein by reference and made a part hereof; and

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by General Laws.

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of the Housing Authority Law and all other authority thereunto enabling, and pursuant to the applicable provisions of General Laws (Ter. Ed.) Chapter 79, and of any and every power and authority to it, granted or implied hereby takes for itself by eminent domain for the purposes hereinbefore set forth or referred to a temporary easement not to exceed six months from May 16, 1980, in and through the area or areas located in the City of Boston as hereinafter described in ANNEX A for the purposes of excavating, traveling over and storage on said premises of any and all construction equipment, materials and machinery during the period of construction of sewers, drains and pumping station in Alley 701, said period not to exceed six

months from May 16, 1980, reserving to the owner of the fees therein, their lessees and licensees or assigns the right to use the said land for all purposes not inconsistent with the said easement.

AND FURTHER ORDERED that in accordance with the provisions of the General Laws, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons including all mortgagees of record having any and all interest in each parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The Awards hereby made are set forth in ANNEX B which ANNEX B is not to be recorded in the Registry of Deeds with this Order of Taking.

AND FURTHER ORDERED, that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be

signed in the name and behalf of the Boston Redevelopment
Authority.

DATED:

BOSTON REDEVELOPMENT AUTHORITY

By:

Robert L. Farnell

James H. Weller

James H. Colbert

James H. Fletcher

James L. Coffey, Jr.

ATTEST:

Kate Simonian

Secretary of the Boston Redevelopment Authority

Approved as to form:

Harold J. Carroll

Harold J. Carroll, Chief General Counsel

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

SOUTH END URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

An easement for the purpose of excavating, traveling over and storage on said premises of any and all construction equipment, materials and machinery during the period of construction of sewers, drains and a pumping station in Alley 701, said period not to exceed six months from May 16, 1980, in five (5) certain parcels of land located in the City of Boston being shown on a plan entitled, "Boston Redevelopment Authority, Site Preparation Contract H-3T, Temporary Construction Easements, Public Alley 701, dated August, 1978," prepared by C. E. Maguire, Inc., which plan has been recorded at Suffolk Registry of Deeds with Order of Taking in Book 9126, page 177.

Said parcels are bounded and described as follows:

PARCEL 1: (50 Union Park Street, Supposed Owner: Philip H. Harris)

Beginning at a point on the Northeasterly sideline of Public Alley 701, said beginning point being S41°-38'-58"E fifty-two and nine tenths (52.9) feet, more or less, from the point of intersection of said Northeasterly sideline of Public Alley 701 and the Southeasterly sideline of Tremont Street, and running on the following courses and distances:

By land now or formerly of Phillip H. Harris N48°-21'-02"E ten (10) feet, more or less, to a point; thence still by land now or formerly of said Phillip H. Harris S41°-38'-58"E ten (10) feet, more or less, to a point; thence by land now or formerly of Winifred S. Zimmer S48°-21'-02"W ten (10) feet, more or less, to a point on the Northeasterly sideline of Public Alley 701; thence by said Northeasterly sideline of Public Alley 701 N41°-38'-58"W ten (10) feet, more or less, to the point of beginning; containing an area of one hundred (100) square feet, more or less.

PARCEL 2: (48 Union Park Street, Supposed Owner: Winifred S. Zimmer)

Beginning at a point on the Northeasterly sideline of Public Alley 701, said beginning point being S41°-38'-58"E sixty-two and nine tenths (62.9) feet, more or less, from the point of intersection of said Northeasterly sideline of Public Alley 701 and the Southeasterly sideline of Tremont Street, and running on the following courses and distances:

By land now or formerly of Phillip H. Harris N48°-21'-02"E ten (10) feet, more or less, to a point; thence by land now or formerly of Winifred S. Zimmer S41°-38'-58"E fifteen (15) feet, more or less, to a point; thence N48°-21'-02"E five (5) feet, more or less, to a point; thence still by land now or formerly of said Winifred S. Zimmer S41°-38'-58"E eight (8) feet, more or less, to a point; thence by land now or formerly of Peter J. Shamatta, et al, S48°-21'-02"W fifteen (15) feet, more or less, to a point on the Northeasterly sideline of Public Alley 701; thence by said Northeasterly sideline of Public Alley 701 N41°-38'-58"W twenty-three (23) feet, more or less, to the point of beginning; containing an area of two hundred seventy (270) square feet, more or less.

PARCEL 3: (46 Union Park Street, Supposed Owners: Mr. and Mrs. Peter J. Shamatta)

Beginning at a point on the Northeasterly sideline of Public Alley 701, said beginning point being S41°-38'-58"E eighty-five and nine tenths (85.9) feet, more or less, from the point of intersection of said Northeasterly sideline of Public Alley 701 and the Southeasterly sideline of Tremont Street, and running on the following courses and distances:

By land now or formerly of Winifred S. Zimmer N48°-21'-02"E fifteen (15) feet, more or less, to a point; thence by land now or formerly of Peter J. Shamatta, et al, S41°-38'-58"E two (2) feet, more or less, to a point; thence S48°-21'-02"W five (5) feet, more or less, to a point; thence S41°-38'-58"E ten (10) feet, more or less, to a point; thence still by land now or formerly of said Peter J. Shamatta, et al, S48°-21'-02"W ten (10) feet, more or less, to a point on the Northeasterly sideline of Public Alley 701; thence by said Northeasterly sideline of Public Alley 701 N41°-38'-58"W twelve (12) feet, more or less, to the point of beginning; containing an area of one hundred thirty (130) square feet, more or less.

PARCEL 4: (586 Tremont Street, Supposed Owner: Mitchell J. Nore, Tr.)

Beginning at a point on the Southwesterly sideline of Public Alley 701, said beginning point being S41°-38'-58"E seventy-six and nine tenths (76.9) feet, more or less, from the point of intersection of said Southwesterly sideline of Public Alley 701 and the Southeasterly sideline of Tremont Street, and running on the following courses and distances:

By said Southwesterly sideline of Public Alley 701 S41°-38'-58"E five (5) feet, more or less, to a point; thence by the Northwesterly sideline of a six (6) foot passageway, Owner Unknown, S48°-21'-02"W twenty-one (21) feet, more or less, to a point; thence by land now or formerly of Mitchell J. Nore, Tr., N41°-38'-58"W five (5) feet, more or less, to a point; thence still by land now or formerly of said Mitchell J. Nore, Tr., N48°-21'-02"E twenty-one (21) feet, more or less, to the point of beginning; containing an area of one hundred five (105) square feet, more or less.

PARCEL 5: (45 Upton Street, Supposed Owners: Steven Kwock Peng Der, et al)

Beginning at a point on the Southwesterly sideline of Public Alley 701, said beginning point being S41°-38'-58"E eighty-seven and nine tenths (87.9) feet, more or less from the point of intersection of said Southwesterly sideline of Public Alley 701 and the Southeasterly sideline of Tremont Street, and running on the following courses and distances:

By said Southwesterly sideline of Public Alley 701 S41°-38'-58"E twenty-four (24) feet, more or less, to a point; thence by land now or formerly of Sally W. Newdick S48°-21'-02"W ten (10) feet, more or less, to a point; thence by land now or formerly of Steven Kwock Peng Der, et al, N41°-38'-58"W nineteen (19) feet, more or less, to a point; thence S48°-21'-02"W eleven (11) feet, more or less, to a point; thence still by land now or formerly of said Steven Kwock Peng Der, et al N41°-38'-58"W five (5) feet, more or less, to a point; thence by the Southeasterly sideline of a six (6) foot passageway, Owner Unknown, N48°-21'-02"E twenty-one (21) feet, more or less, to the point of beginning; containing an area of two hundred ninety-five (295) square feet, more or less.

The names of the owners herein listed as the Supposed Owners, although supposed to be correct, are such only as a matter of information, opinion and belief and are listed for informational purposes only.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

SOUTH END URBAN RENEWAL AREA

AWARD OF DAMAGES

Awards for the parcels hereby taken are as follows:

<u>Parcel</u>	<u>Address</u>	<u>Damage Award</u>
1	50 Union Park Street	\$ 1.00
2	48 Union Park Street	1.00
3	46 Union Park Street	1.00
4	586 Tremont Street	1.00
5	45 Upton Street	1.00